DOCUMENT RESUME

ED 187 502 RC 012 058

AUTHOR	Dupris, Joseph C.
TITLE	American Indian Community Controlled Education: "Determination for Today, Direction for Tomorrow".
INSTITUTION	New Mexico State Univ., University Park. ERIC Clearinghouse on Rural Education and Small Schools.
SPONS AGENCY	National Inst. of Education (DHEW), Washington, D.C.
PUB DATE	Mar 80
CONTRACT	400-78-0023
NOTE	58p.
AVAILABLE FROM	National Educational Laboratory Publishers, Inc., 813 Airport Boulevard, Austin, TX 78702 (Stock No. EC-083, $6.25).
EDRS PRICE	MF01/PC03 Plus Postage.
DESCRIPTORS	American Indian Culture; *American Indian Education; *Community Control; *Educational Change; Educational Planning; Educational Policy; *Federal Indian Relationship; *Federal Legislation; *Self Determination; Treaties; Tribal Sovereignty; Trust Responsibility (Government); United States History
IDENTIFIERS	Indian Education Act 1972; Indian Self Determination Education Assistance Act; Tribally Controlled Community Colleges Act 1978

ABSTRACT

The reemergence in the 1960's of the traditional Indian philosophy of education as preparation for societal productivity coincided with a movement within Indian communities toward more active participation in and self-control of the education of their people. By recognizing the historical right of American Indians to control their own education, the Basic Indian Education Act (PL 95-561) and the Indian Self-Determination Education Assistance Act (PL 93-638) have made these goals a reality and paved the way for the casting off of the policy of coercive assimilation which has characterized most previous national Indian education programs and led to academic failure among Indians. In the 1980's the focus of Indian community controlled education will center on the consolidation of school contracting procedures in PL 93-638, including obtaining a centralized contractive authority under the Bureau of Indian Affairs; curriculum development in the area of cultural education; and parental and tribal participation in the public schools. This will require a united effort among Indian communities to explore the potential of federal legislation and utilize it to its fullest. Indian communities must also determine how to strengthen community control, sustain educational successes, establish Indian education priorities, and strengthen internal and external resources. (SB)

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ED187502

AMERICAN INDIAN COMMUNITY CONTROLLED EDUCATION

"Determination for Today, Direction for Tomorrow"

RC 012058

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AMERICAN INDIAN COMMUNITY CONTROLLED EDUCATION

"Determination for Today, Direction for Tomorrow"

By

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March 1980

Published by
Educational Resources Information Center (ERIC)
Clearinghouse on Rural Education and Small Schools (CRESS)

New Mexico State University
Las Cruces, New Mexico 88003

Prior to publication, the manuscript was submitted to the National Indian Education Association for critical review and determination of professional competence. This publication has met such standards. Points of view or opinions do not, however, necessarily represent the official view or opinions of either ERIC Clearinghouse on Rural Education and Small Schools or the National Indian Education Association.

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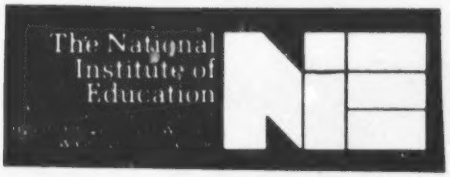
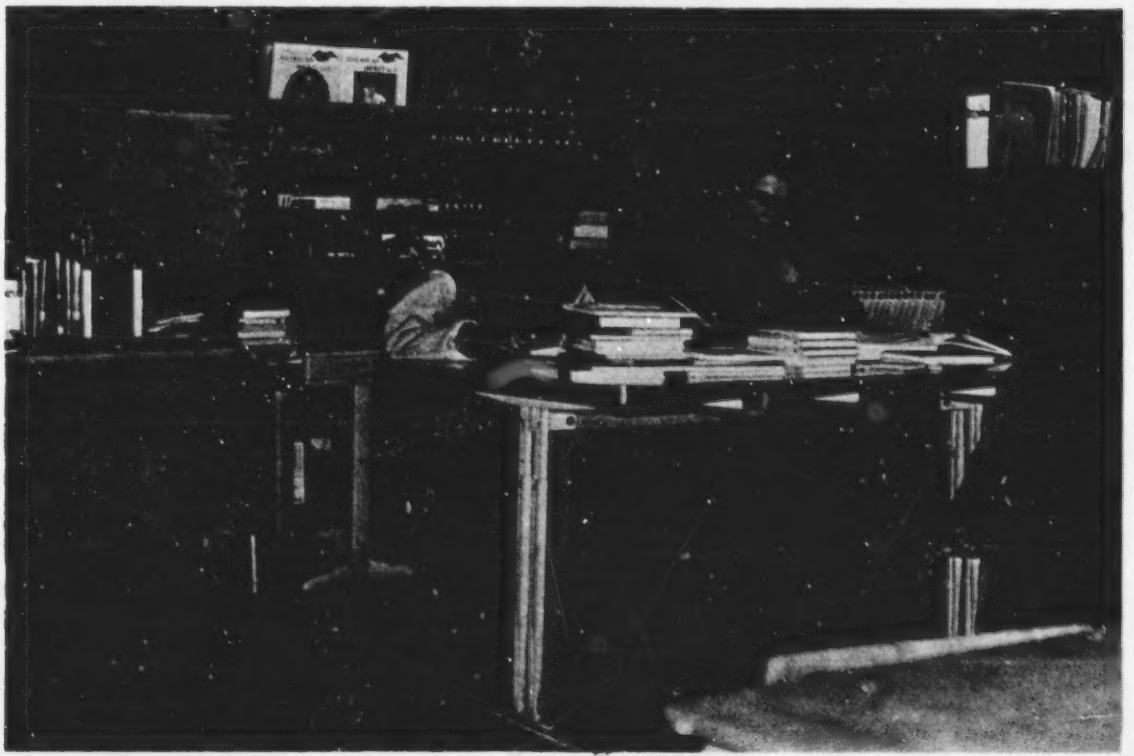


This publication was prepared with funding from that National Institute of Education, U.S. Department of Health, Education, and Welfare under Contract No. 400-78-0023. The opinions expressed in this report do not necessarily reflect the positions or policies of NIE or HEW.

COVER DESIGNED BY: LEROY SANDOVAL, MEMBER SAN FELIPE PUEBLO

PHOTOGRAPHS: Provided by Coalition of Indian Controlled School Boards

The tribes face a challenge "to raise a whole child, to instruct the intellect in the laws of nature, to educate a nation...Children of the 1980s will determine the future of the Indian people." (Forrest Gerard, 1979 NIEA Convention)



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Introduction

Concepts in Education Reform

Historically, the concept of education to the American Indian people was that of developing physical and intellectual skills to cope with novel problems of the environment. For Indian people as a society, education has been viewed as a lifelong process: life is education. The child was regarded as an independent being who was to be evolved into the world of the adult with responsibilities on a par with those of the adult members of the society. The children were educated in the very midst of community activities. All persons had established interdependent and meaningful roles which were taught through direct interaction, and integrative methods of learning about life, the world's environment and its balance of life cycles. This integrated approach placed significant importance on the children's interpretation of individual and community purpose to life and a meaningful existence based on their experiences as useful members of the family and the community. In short, the philosophy that permeates throughout the traditional Indian view of education is one of preparation for societal productivity with the underlying motivation being that of learning while doing.

The teaching methodologies of the non-Indian society do not in themselves prevent students from receiving an education. However, these methods do pose an interesting question as to the most appropriate means of achieving the end.

Indian educational concepts are ultimately designed to prepare the individual for the societal productivity called work. The United States Office of Career Education defines work as: A conscious effort, other than that whose primary purpose is either coping or relaxation, aimed at producing benefits for oneself or for oneself and others. The definition forms

the base for what is termed career education, or a reform effort aimed at bringing a proper emphasis, both philosophically and operationally, to one of education's basic goals--namely, education as preparation for work. This concept, which is somewhat novel to the established school system, is not new to practitioners of the Indian traditional concept.

As the occupational society becomes increasingly specialized and constantly evolves, it is the educational system's responsibility to prepare students adequately for entry into the community and the job market with realistic and marketable skills.

Through treaty agreements made with the federal government, the Indian tribes were guaranteed federal trust responsibilities in the area of education, health, and other social welfare services and were named legal guardians of tribal lands and resources.

The educational agreements sanctioned by the federal government were intended as coercive assimilation techniques. These government attempts to destroy or undermine the traditional way of life of the Indian people had as their purpose "de-Indianizing" the Indian and eliminating federal trust responsibilities--"no more Indians--no more problem." However, the Indian people were successfully able to resist, at least to a certain degree, these methods which would entirely eliminate their traditional beliefs. They have now effectively utilized beneficial elements of both Indian and non-Indian educational philosophies and have actively asserted influence on the educational services being received.

By the 1960s, Indian communities began truly to affect the educational services--how education should be offered, what it should be, who would control the schools, and what methods would best be utilized for the process. During this same period, educators were seeing conflicts within the prevalent schooling concepts. As noted educator Ralph Taylor stated:

> We currently fail to educate approximately one-third of the youth enrolled in high school. This is not due primarily to the inadequacies of the students but to the inappropriateness of the program to supply them with the kind of learning required. They are concerned with becoming independent adults, getting jobs, marrying, gaining status with their peers, and helping to solve the ills of the world. They perceive little or no connection between the educational content of the school and their concerns...It is a rare school today that helps the student deal with the personal, social, economic, and moral problems which confront him...

This statement indicates not that basic academic skills are unimportant, but that these skills in themselves are insufficient and do not take into account the problems of coping with "life" which faces all people. At the same time, a similar sentiment was echoed arguing that:

> Educators traditionally have oriented curriculums around the fragmented discipline-orientated concepts of the nature of knowledge...with little or no attempt to relate information to the lives of the children. Information is taught simply because it exists. If schools are to be criticized, then, the charge should not be that they don't emphasize academic learning enough. Rather, the more valid complaint should be that the programs that exist in most schools are so out of balance with the total needs of youth that other aspects of the child's life are given only token attention or are ignored completely.

This argument and others similar in nature were made advocating career education as a concept aimed at reforming the existing system.

Coincidently, the efforts of Indians were also taking a similar approach. This approach is not termed reform, but is merely a return to what had been practiced over time within their societies. This revitalization is founded upon the belief that American Indians must retain and foster the unique heritage which is so vital to their survival as a people.

This belief is reflected by the dramatic re-emergence of ethnic pride among Indians. While a belief in the dignity of one's ancestry can be imparted by the family and community, it must be continually nurtured through the educational process. If Indian heritage, and, in turn, the American Indian are to survive, then they must have an active role in directing the education of their people.

Realizing the need for a collaborative effort to activate these goals, the Coalition of Indian Controlled School Boards (CICSB) was founded in 1971 to assist in aiding educational reform in American Indian education by helping Indian people gain and maintain an active voice in the educational processes that affect their children. THE CICSB emphasizes control by Indian groups in those educational institutions specifically designed to serve the Indian populace in which the Indian societal traditions of education can be employed effectively. The CICSB is one of the few national Indian education organizations dedicated to Indian control of Indian education.

The point is that while the movement in Indian education circles has been to reinstitute traditional learning principles, the same movement is evident in the occupational society, as advocates of career education have demonstrated through their arguments. In essence, the same end is desired (education as preparation for work), although different means to achieve the needed reform are being employed.

The Coalition of Indian Controlled School Boards in its continuing effort to gain and maintain Indian-controlled and operated schools realizes the importance of the changing occupational society. Thus, the importance of education as a preparation for work, though embedded within the Indian society, must be aligned to maximize the benefits through the expertise and resources of the business, labor and industrial communities. This movement, termed collaboration by career education enthusiasts, is required to insure that the benefits of the career concept, implemented through the Indian educational delivery system, are in tune with the times.

Indian Education: An Historical Perspective

N. Scott Momaday, a Kiowa writer, talks about the power of language in the following passage from The Way To Rainy Mountain:

> A word had power in and of itself. It comes from nothing into sound and meaning; it gives origin to all things. By means of words can a man deal with the world on equal terms. And the word is sacred.

Language has power, the information conveyed by language has power. The power that Indian people can use to deal with the world on equal terms is, in fact, the power of self-determination.

Self-determination is the motivating force behind the Indian tribes' concern with practical ideas, plans, strategies and goals. These concerns in economic development, employment, health, political affairs, and education can be achieved only through the concept of self-determination. The reality of self-determination has been mandated by Congress through the Indian Self-Determination and Educational Assistance Act (PL 92-638). Self-determination is the basis of and is developed from information or communication that is essential to the well-being of Indian people. But needed information in all aspects of Indian life--economic, health, employment and education--has not been an integral component of their lives. The development and transmission of information has not kept pace with the concept of self-determination. Simply, the development of programs, and needed progress toward self-determination, has not taken place as it should, because Indian people have not had access to necessary information to make this concept a reality.

Since the enactment of the Indian Self-Determination Assistance Act (1975) and the subsequent Basic Indian Education Act (PL 95-561, Title XI), virtually every American Indian community must make decisions about the education of their children. These acts recognize American Indian rights to control education; each community must decide either to exercise control, delegate it, or abandon it. American Indian parents, tribal council members and other community decision makers need to be able to make the educational decisions that will best meet their responsibilities to their children, their tribe and themselves. Educational practitioners and

administrators who have responsibilities for educating American Indian children also need to understand the conditions, needs and hopes that are shaping American Indian attitudes toward education. That is, they must understand the education of American Indian children from the perspective of the American Indian community.

It is important to realize that the right to control education is not a right newly won by American Indian communities, but is a right now being recovered. For this reason, it is both fair and necessary to develop our educational decision-making based on the history of education and community in American Indian culture.

In general, education is a major process of a community preparing its members, especially children, for their role and place in the societal structure. Theoretically then, each person is prepared for his specific role responsibilities, and he also has the skills development for all social and economic requirements to be a productive, active member of that society. In a non-institutionalized setting, community members taught each other through direct interaction. They combined work and play with role modeling and skill practice. If education is viewed from the perspective of total community involvement then American Indian education was and is an integrative process for learning about life, the world environment, and its balance of live.

The major conflicts related to education for American Indian children therefore can be tied to the ability of the community to control the education of their members, especially their children.

Over 180 treaties between the United States government and the Indian Nations have provisions for the education of Indian children. The treaty provisions and, thus, the educational trust responsibilities of the federal government have not been consistently or fully implemented. In addition, the intent and motive of the United States government to truly educate Indian

people can be questioned, as shown by the following quote from the Annual Report of the Commissioner of Indian Affairs, 1903:

> To educate the Indian to ways of civilized life, therefore, is to preserve him from extinction, not as an Indian, but as a human being. As a separate entity, he cannot exist encysted, as it were, in the body of this great Nation. The pressure for land must diminish his reservations to areas within which he can utilize the acres allotted to him; so that the balance may become homes for white farmers who require them. To educate the Indian is to prepare him for the abolishment of tribal relations, to take his land in severalty, and in the sweat of his hands, to carry out, as his white brother has done, a home for himself and his family.

The "abolishment of tribal relations" and all the requirements of that public policy by the United States government had permeated the Department of the Interior, the Bureau of Indian Affairs, and other federal, state and private organizations. This prompted responses and reflections from contemporary Indian leaders, such as Birgil Kills Straight, to characterize this condition in his testimony before the Indian Policy Review Commission on Indian Relocation as one of: "Baptize him, Anglicize him, disenfranchise him, steal his land in the process, and eulogize him for not complaining about it too much."

The attempts of the federal government to subjugate the Indian people and to coerce them into the mainstream of "American life" through education in schools are well documented by the U.S. Senate Subcommittee Report, A National Tragedy: A National Challenge. A portion of this Senate Subcommittee report, pages 9-17, is included in Appendix A for reference.

The importance of the report, commonly referred to as the "1969 Kennedy Report," is the detailed explanation of the failure of the federal government to comply with its educational trust responsibility to the Indian Nations and their Indian people. This failure to recognize the value of the educational needs of Indian people has had a long history. To highlight that failure and its results, the following quote shows

the reaction of the Indian Nations to non-Indian educational institutions and the results of that education for their people:

> We know you highly esteem the kind of learning taught in these colleges, and the maintenance of our young men, while with you, would be very expensive to you. We are convinced, therefore, that you mean to do us good by your proposal; and we thank you But you who are so wise must know that different Nations have different conceptions of things; and you will not therefore take it amiss if our ideas of this kind of education happen not to be the same with yours. We have had some experience of it. Several of our young people were formerly brought up in the Colleges of the Northern Provinces; they came back to us, they were bad runners; ignorant of every means of living in the wood, unable to bear either cold or hunger, knew neither how to build a cabin, take a deer, or kill an enemy, spoke our language imperfectly, were therefore neither fit for hunters, warriors, nor counsellors; they were totally good for nothing. We are, however, not in the less and to show our grateful sense of it, if the gentlemen of Virginia shall send us a dozen of their sons, we will take great care of their education, instruct them in all we know, and make men of them.
>
> (From the speech by Canassatego, a spokesman for the Iroquois, replying to an offer made in 1744 by the Virginia legislature to provide an education for six Iroquois youths at William and Mary College.)

The educational institutions of the United States have yet to comprehend the essence of cultural pluralism in their educational systems. In their determination that the United States be, in fact, a mono-cultural (the culture of a "civilization") society, they have substituted a single set of standards for cultural pluralism. In fact, education in the United States has been a coercive force for the acculturation of a culturally different people. The education provided to the American Indians by the United States government and administered by United States educational institutions is a remarkable example of a failure of cultural pluralism and realistic education.

The experience of the American Indian tribes with the educational institutions promoted by the federal government has been one of resisting coercive assimilation. The United States government has, in essence, frustrated the attempts by the American Indian people to control their own children's education. The direction and guidance or the process of growing up has been denied

the American Indian people. Education within the family and tribal environment, learning the tribal language, and involvement with the societal structure, internalized a common tribal "family" world view. By denying this ability to control the education of the children, the United States government hopes to alter the "world view" to a new societal structure. This effort has failed. Not only has the change not occurred, but resistance to the change has been increased by the American Indian people.

The American Indian has lost control over the fundamental mechanisms through which cultures are transmitted, languages are learned and developed, and tribal society functions. This has precluded the possibility of sustaining both the anglo culture and the tribal culture within the same context, at the same time. To sustain both cultures, the Indian children and tribal communities would have to function comfortably in terms of both the language and the world view of more than one culture. In order to do this successfully, enculturation, or the learning of one's own language and tribal culture, is necessary in order to be comfortable in a second language or culture. By imposing another culture through "schooling" without the tribal support systems or enculturation and without validation of the Native American Indian culture is to subject the Indian children to coercive assimilation and forced abandonment of tribal affiliation, culture and language.

The results alienate Indian children, leaving them without the ability to integrate themselves into any culture. This is symptomized by such characteristics as a disproportionately high suicide rate among students in Bureau of Indian Affairs schools and communities. The failures of American educational institution's public education and governmental educational systems has been well noted in the various studies published in the last 60 years, including the Meriam Report, the Kennedy Report and the Banks Street Study Report. The essence of both the reports and studies clearly

indicates the total failure of the United States education systems. It fails to effectively educate Indian children in their native cultural and tribal heritages, as well as, in assimilating the Indian children into the mainstream of Anglo society in the United States.

In the decade of the 70s, the Indian tribes attempted to find the mechanisms whereby the education of their children once again could be firmly re-established and maintained in tribal and community hands. The 70s has been a time when the control mechanisms of Indian education have been the focal point of the tribal direction in the United States. As a result, the concept of Indian education has changed from the acceptance of Anglo-Christian ideals to the acceptance of Indian ideals by Indians for Indians and by tribes for the tribal community. The basic concept underlying these changes has been "self-determination," the right and the ability to control one's own direction and purpose.

Legislation of Indian Community Controlled Education

In January 1975, the United States Congress enacted the Indian Self-Determination and Educational Assistance Act (PL 93-638). This legislation validated the Indian Nation's right to assume control of the most important services provided for them by the federal government without risking "termination," the withdrawal of Indian Nation status, which has by experience been a disaster for Indian tribes and their members. PL 93-638 implies, in part, the recognition of the destructive nature of the policy of termination, and strengthens self-government and control of Indian education by Indian people.

This statute has been augmented by the passage of the Basic Indian Education Act, PL 95-561, Title XI. This new legislation significantly reforms several existing conditions in Indian education by amending other legislation. It also recognizes the Bureau of Indian Affairs, Department of Indian Education programs. Included in the text of PL 95-561, Title XI, Part 3, is, for the first time, a clear and undeniable federal education

policy which favors the Indian Nation's right to self-direction in education. PL 95-561, Section 1130, states that, "It shall be the policy of the bureau in caring of the functions of the bureau, to facilitate Indian control of Indian affairs in all matters relating to education." This language and policy must still be implemented, and if the Bureau of Indian Affairs does not properly implement the intent of the legislation, then the Indian Nations may have access to legal and other resources to correct that failure. The legislative report accompanying PL 95-561 contains no qualifying, restrictive or interpretive language with reference to Section 1130. Therefore, a governmental policy must be based on the exact meaning of the legislative language as written and approved in the cited section.

The combined impact of the legislative intent of PL 93-638 and PL 95-561 is to continue to validate the right of the Indian tribes and people to both govern themselves and to control the education of their own children. With the assistance of these legislative authorizations, the tribes and Indian communities can, through direct action, control the mechanisms for educating their own children.

They can begin, once again, to establish control in a legitimized form. This can be done through school and cultural identity and native languages; through the mechanism of PL 93-638 contract schools, which are tribally controlled; and, also, through the processes provided in state and federal statutes. The statutes provide for community and parental control of the education of their children in public and federally funded schools. If either public or Bureau of Indian Affairs operated schools do not meet the needs of an Indian nation or Indian community, the tribe may request a school district of its own from the United States government through the Bureau of Indian Affairs.

Accompanying the pressures from American Indian tribes for their own PL 93-638 contract schools is the increased pressure to define public

school boundaries to match the boundary lines of the Indian reservations. Examples of these public schools would be the Menominee School District in Wisconsin, the Rocky Boy School District in Montana, and the Zuni School District in New Mexico. These public school districts are financed by their local communities and states, while the PL 93-638 contract schools, of which there are 56 (see Appendix B), are financed by the Bureau of Indian Affairs.

The efforts to control the education of their children is supported by the testimony relating to the Kennedy Report, officially known as the Senate Subcommittee Report on Indian Education; Indian Education: A National Tragedy: A National Challenge (see Appendix A). Four major summary points were made in the Kennedy Report:

1. Twenty-five percent of the teachers surveyed stated that they would rather not teach Indian students at all.
2. The academic failure of Indian students was miserable.
3. The dropout rate averaged 40 percent and was 100 percent in some areas.
4. The working-class attitudes of the children interviewed were, in most cases, bad. The students expressed variable self-worth.

The report notes that coercive assimilation has been the main culprit. It further notes that "Indian community and parental involvement in the development and the operation of public education programs for Indian children" may be the remedy.

The tribal efforts to control the schools which provide education to their children are attempts to counteract the findings of the senate. The control attempts are not limited to the primary and secondary schools but are, in fact, extended to community colleges, bureau operated schools, and all other institutions educating tribal members. Examples of these efforts can be seen in the list of current tribally controlled community colleges (Appendix E) or the emergence of a Tribally Controlled Community College Assistance Act, PL 95-471 (Appendix D).

Using the Kennedy Report as a basis for their efforts in establishing Indian-controlled Indian education, the tribal governments and Indian communities began the process of controlling both their public schools and Bureau schools and also establishing new schools under PL 93-638, the Self-Determination and Educational Act. The Kennedy Report also resulted in the establishment of PL 92-318, commonly referred to as Title IV, The Indian Education Act. However, the passage of this new legislation, which attempted to solve some of the problems reported in the 1969 Kennedy Report, was not immediately successful.

There was resistance in the executive offices. President Richard M. Nixon, who impounded the funds appropriated for Title IV, refused to appoint the National Advisory Council on Indian Education (NACIE) and refused to establish rules and regulations for the disbursement of the supplemental funds for Indian education through the Office of Education in HEW. As a result of a lawsuit, Redman vs. Ortina, brought forth by the newly established Coalition of Indian Controlled School Boards and the Native American Rights Fund, both the president and the Office of Education proceeded to establish rules and regulations for the new Title IV - Indian Education Act. Even with the new legislation, which assisted the tribes and Indian communities in obtaining greater control over the education of their children, Bureau of Indian Affairs and the Office of Education resisted parental control and parental input into the education of their children.

However, in spite of these obstacles, the tribes continued to push for community control as shown by both the passage of PL 95-561, Title XI, The Basic Indian Education Act, and the existence of approximately 56 PL 93-638 tribally controlled contract schools. The results of these tribal efforts for community control in Indian education have been impressive. In fact, February 1980 marks a full decade of operation for Pine Hills School for the Ramah Navajos, the first Indian controlled community contract school.

The Future of Indian Community Controlled Education

The focus in the 80s for Indian education and tribal and community involvement in the education of their children will center on the consolidation and implementation of the gains and successes achieved in the 70s. The major gains and successes center around legislation such as PL 93-638, The Indian Self-Determination Educational Assistance Act, and PL 95-561, Title XI, The Basic Indian Education Act.

In combination, these two legislations provide the solid base for community control of Indian education. The tribal communities will continue the PL 93-638 contracting efforts for schools, school construction, curriculum development, employment of local personnel. The control allowed by the PL 93-638 contracting efforts will infuse into the educational system once again, community and tribal culture and language. Utilizing the Basic Indian Education Act, PL 95-561, Title XI, those tribes that have children who are attending public schools also will be able to utilize statute provisions in Parts A and B which emphasize greater control and input in the public school system.

Also provided in PL 93-638 contracting is tribal control of essential services in the school's operation, maintenance, school construction and other school service systems. By utilizing the contracting system, the tribe can gain greater employment for their members, greater control over the educational system, and further their language and culture needs. Efforts, however, must be maintained to have direct access to a funding source and funding system located in Washington, DC.

Many of the problems faced by PL 93-638 contracting of schools in the 70s stems from agency and office personnel who were concerned about losing their jobs to Tribe-contracted school systems. This resistance was cited in testimony before the House Education and Labor Subcommittee for Indian Education. During the hearings related to the Basic Indian Education Act,

At Omaha Indian School, community members are involved with the education of their children. (Courtesy of CICSB)

the testimony indicated that this resistance at the local level, agency and area offices has frustrated PL 93-638 contracting by tribes to the extent that when problems cannot be solved at the local level, it is necessary to travel to Washington DC to resolve the issue. To facilitate PL 93-638 contracting, there have been efforts to provide for a direct line authority from educational personnel to Washington DC.

If, in the 80s, the Indian tribes can obtain a centralized contractive authority under the Bureau of Indian Affairs, perhaps the tribes can have a stronger relationship with the federal government, specifically the Bureau of Indian Affairs. Then, there would be fewer obstacles for Indians in their attempt to control their own destiny and the quality of life in their communities. Most of the efforts of the Indian communities should, therefore, be centered on consolidating the procedures in PL 93-638 contracting and streamlining those support and administrative services related to PL 93-638 contracting. They would thereby gain greater tribal control and establish clearly the nation-to-nation relationship between tribal and United States governments.

This would require the concerted effort of the tribes and Indian communities to bring this about in the 80s. However, it can be done through unified and joint efforts. The main issue regarding the actual implementation of Indian community and tribal controlled education is tribal sovereignty, which means clarification of the nation-within-a-nation status of the Indian tribes in the United States.

The Basic Indian Education Act, PL 95-561, Title XI, provides for a reorganization of the Bureau of Indian Affairs regarding educational personnel. Greater authority is provided to the central office concerning direct line of authority and decision making, with lesser authority for area agency offices. The specifics for the rules and regulations have not yet been fully implemented nor designed. However, in a transition period

from three to five years, these designs and administrative procedures will clarify the role of educational personnel in the Bureau of Indian Affairs. It is through these rules and regulations that the tribes and Indian communities will have a greater voice in determining the exact dimensions of the educational reorganization at the Bureau of Indian Affairs. By consolidating PL 93-638 contracting, and by the efforts at the local level for agency and area educational personnel management, the efforts of the Indian tribes and Indian communities in contracting schools should be facilitated. This increased involvement in educational legislation for the Indian people does not limit the tribes to either PL 93-638 tribally controlled contract schools, or the Bureau of Indian Affairs operated schools. The choice of school settings is still left to the individual and to the tribes. This choice includes private schools as well as public schools.

With the increase in parental and tribal participation in the education of their children as allowed by PL 95-561, Title XI, the public schools must also begin to reorganize its thoughts and its relationships with Indian tribes and Indian communities. Part A of the Basic Indian Education Act, PL 95-561, Title XI, amends the legislation that funds supplementary education moneys to public schools for Indian children. PL 81-874 provides federal dollars to public school districts in lieu of local taxes for Indian trust lands. The Johnson O'Malley Act (PL 93-638, Title II, 25 CFR, Part 273) is designed to provide supplementary services to Indian children in the public schools. The impact of these two funding sources has not yet been fully realized by the Indian communities. The changes in these funding statutes for public schools for Indian children now have provisions not only to increase the amount of money going to public schools for Indian children, but also to require input and involvement of both Indian tribes and parents. This new parental and tribal involvement is a condition that the public schools cannot afford to refuse to implement. A refusal to implement or involve Indian tribes and parents in the PL 81-874 application process, the program selections, the criteria for the education

of the Indian children, and other cultural needs, may result in a withdrawal of PL 81-874 and Johnson O'Malley federal funds. Other federal funds also may be withdrawn from the public school if the school fails to implement equal educational opportunity under the Civil Rights Act of 1964. These possibilities have not yet been fully explored, but the potential is available to the Indian communities and the Indian tribes.

The public schools, under PL 95-561, Title XI, Part A, are specifically required to involve the parents and tribes in the administration of the funds designed to assist Indian children. They are also required to listen to and implement recommendations made by the Indian tribes and parents for the Indian children attending those public schools. If the public school does not provide for that involvement and implementation, then the parent may, through this new statute, bring the issue to the tribal council. The council then may send forth to the Secretary of the Department of Education a specific complaint indicating the public school district's failure to implement the law in the appropriate manner. This complaint procedure is specifically tied to the funds provided by PL 81-874, as amended. The complaint process is a unique and exciting step forward for parental and tribal control of the education being provided to their children. This progress will be further explained for a better understanding of the appeals process and its impact on the future of Indian education.

Once the Secretary of the Department of Education receives a PL 81-874 appeals complaint from an Indian tribe, that office then, within 30 days, appoints a hearing officer who then sets up a hearing at a convenient location for both the public school and the tribe. This hearing is open to the public and is a quasi-legal proceeding. The hearing officer hears the tribe's complaint which is presented by a representative of the parents. The defense is represented by the public school district.

The hearing officer then makes a decision based on records, evidence, documents and data which either party wishes to present. Within approximately

30 days from the end of the hearing, the hearing officer will deliver a letter of recommendations and findings to both the tribe and the public school system. If either party in the dispute--the tribe or the public school--does not agree with the hearing officer's findings, then it may appeal to the Office of the Education Commissioner. The commissioner makes a final determination based on the facts, the hearing and the record.

If the public school district is found to be at fault and after receiving the final decision refuses to implement direct action, then the commissioner can at that point stop PL 81-874 funds to that school district. There is a provision, however, that if the stopping of funds during the fiscal year will interfere with the education of the Indian children and other children in that school district then at the end of that fiscal year that school district would be ineligible for the next year's allocation. In addition, there is a section in PL 95-561 that allows for the tribe to exercise its option at any time either to forego the complaint process or, during or after the complaint process, to award a PL 93-638 contract to another school.

In that instance, the Bureau of Indian Affairs must provide for a mechanism providing that tribe with a tribal school funding source and facility. Once again it is the combination of the Self-Determination and Educational Assistance Act, PL 93-638 Contracting, and the new statute on the Basic Education Act, PL 95-561, Title XI, which is the basis for a legitimatized effort for tribal control of the education of their children. Finalized procedures for the PL 81-874 dispute process, as are found in PL 95-561, Title XI, Part A, have not yet been finalized. Therefore, the tribes and Indian communities must scrutinize the new rules and regulations as they are written so that when the Department of Education begins reviewing PL 81-874 applications, the rights of Indian parents and tribes are secured and safeguarded. The appeals process is designed to assist the community, the parents, and the tribes to interact more successfully with the public

schools. Schools for so long have not involved the communities and parents in the education of their children. With proper implementation, this process of community grievance resolution will be successful in the 80s.

Summary

The future direction for Indian education is community and tribal control. This may be accomplished through new legislation, as well as existing legislation such as PL 93-638 and PL 95-561, Title XI. The effort toward implementation, however, is based on the concept of shared responsibility in educational decision making. This involves parents, the community, the schools, and for Indian children, the tribe. However, a total perspective is necessary to develop a consistent frame of reference in determining educational priority. The goals for those children, that community and the tribe have yet to be totally developed for the education of American Indian children. The 70s has marked a decade of attempting to strive for legitimizing the involvement of the parents in the education of their children and the tribes and education of their tribal members.

Since the enactment of PL 93-638, the Indian Self-Determination and Educational Assistance Act, and the subsequent PL 95-561 Title XI, the Basic Indian Education Act, virtually every American Indian community must make decisions about the education of their children. These acts recognized American Indian rights to control education and each community must decide either to exercise the control, delegate it, or abandon it. American Indian parents, tribal council members, and other community decision makers need to be able to make the educational decisions that will best meet the responsibilities to their children, the tribe, and themselves. Education practitioners and administrators who have responsibility for educating American Indian children also need to understand the conditions, the needs, and the hopes that are today shaping American Indian attitudes

towards education. They must understand American Indian education from the perspective of the American Indian community.

It is important to realize that the right to control education is not a legislative right newly won by American Indian communities, but it is a historical and an inalienable right now being recovered. It is both fair and necessary, for this reason, to view our perspectives and educational expectations in a historical context. An attempt must be made to see what education and community involvement in tribal expectations have meant and will mean for the future of American Indian cultures and tribes. The struggle for self-determination is not yet completed and the perspective of the tribal council and Indian parents have not yet been fully accepted by the public school systems, the bureau school systems, or in some instances the community schools. The struggle for a more fully involved parent and tribe in the education of Indian children should continue in the decade of the 80s. The future of Indian education in the 80s and 90s promises to be exciting. We can look forward to a period of innovation and renaissance of American Indian culture and languages. This renaissance will be accomplished through the process of community control of the education of their children.

That control will be exercised through PL 93-638 contract schools funded by the Bureau of Indian Affairs and through the control of those bureau schools which the tribes decide to have operated by the bureau. Still greater control will be gained on the school boards and through the public school systems enrolling Indian children. These schools receive money from the federal government which has specific requirements to involve the parents and tribes in the education of their children. Equal educational opportunity in Indian education has translated to self-determination. As such, the Indian tribes and parents have greater authority legitimitized through the federal statutes such as the Civil Rights Act of 1974 and other civil rights legislation. Those laws can and will be applied to Indian tribes for the benefit of Indian children.

The hope for the future is based upon the assumption that past practices of isolation and cultural destruction which have traditionally characterized the education policy at the national and state government levels will in fact be discarded. The legislative intent and struggle in the 70s could open up the 80s to a new definition, a new set of circumstances whereby the needs and the realities of the American Indian population can in fact be addressed and incorporated into the school system and the curriculum of those school systems. The character of self-determination and parental and tribal involvement can begin to gain additional force through the teaching of the language and the culture of the Indian tribes being served by those schools. There can be a maintenance and restoration of the languages of those tribes. The efforts of parental involvement and community control to integrate the components of all those efforts can upgrade Indian education and thereby upgrade the education of all children attending those schools.

With the federal government's commitment to promote Indian control of Indian education and the subsequent realignment of terms and interpretations of new and existing statutes, the future direction for Indian education can be fully turned toward a renaissance for each tribe in the Nation. With this in mind, there should be great efforts toward obtaining major appropriations for the restoration and maintenance of the native languages and cultures. Efforts also should be made for funds for training centers, for teachers and administrators, and for research and development of new educational techniques and procedures. Direct funding should be made to assist Indian tribes and Indian communities in sorting various information and in processing the decisions which will be most appropriate for that tribe and that community.

There are four questions which perhaps can form the basis for the decision making necessary for the education of Indian children in the 80s and 90s.

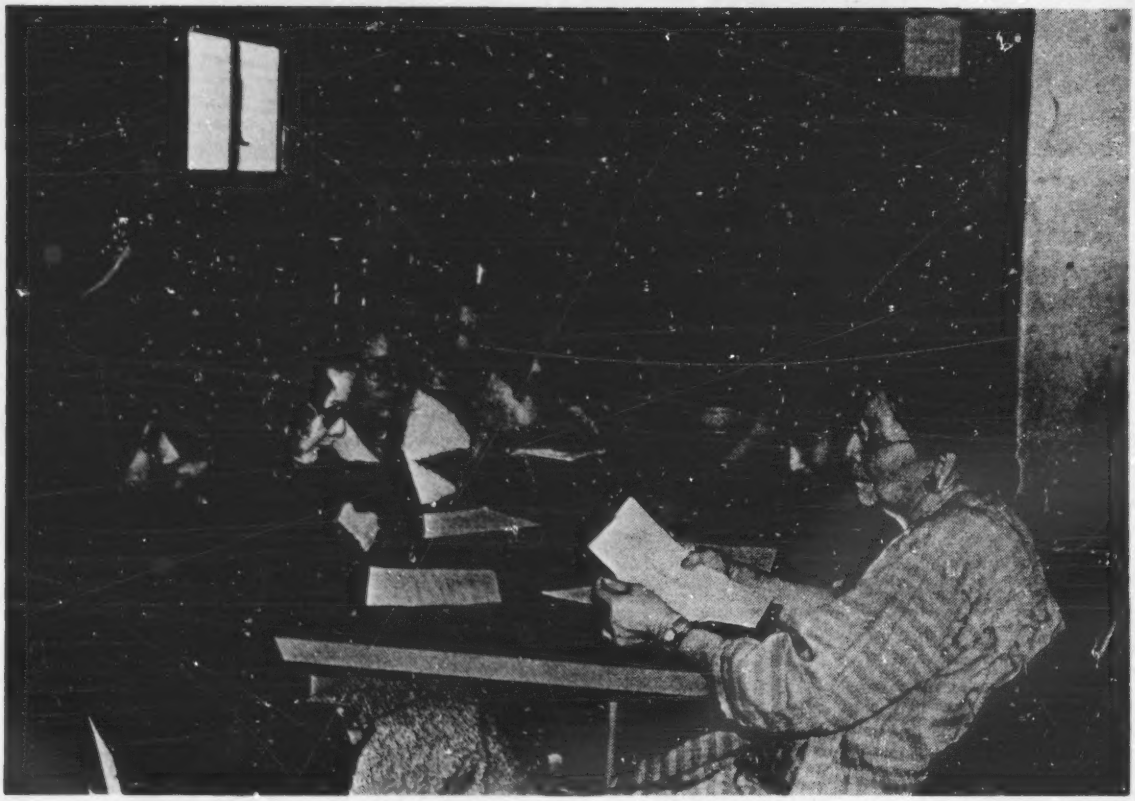
1. How can the community processes control be strengthened?

2. How can the educational successes be identified and sustained?

3. How can priorities for the education of Indian children best be set and implemented?

4. What internal/external resources, both human and financial, must be strengthened and secured to sustain and maintain the successes that have been gained in the education of Indian children?

Perhaps foremost in the minds of Indian tribes and Indian parents must be the idea of the promise that must be kept to Indian people by the federal government. That is the education of their children will once again be returned to them as parents and as tribal members. Simply, that would be the promise of self-determination, self-government and self-direction for Indian people.



Omaha Indian language classes are taught by men and women of the community. (Courtesy of CICSB)

Appendix A

HV 3178

91st Congress 1st Session	SENATE	Report No. 91-501

INDIAN EDUCATION: A NATIONAL TRAGEDY--A NATIONAL CHALLENGE

1969 REPORT

of the

COMMITTEE ON LABOR AND
PUBLIC WELFARE

UNITED STATES SENATE

Made by its

SPECIAL SUBCOMMITTEE ON INDIAN EDUCATION

Pursuant to

S. RES. 80

(91st Cong., 1st Sess.)

(Together With Supplemental Views)

A RESOLUTION AUTHORIZING AN INVESTIGATION INTO THE PROBLEMS OF EDUCATION FOR AMERICAN INDIANS

November 3, 1969 -- Ordered to be printed
Files under authority of the order of the Senate of November 3, 1969

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON: 1969

31-169

(Reproduced by the Library of Congress, Legislative Reference Service, March 2, 1970)

PART I: A NATIONAL TRAGEDY: SUBCOMMITTEE FINDINGS

I. The Failure of National Policy

It is a pity that so many Americans today think of the Indian as a romantic or comic figure in American history without contemporary significance. In fact, the Indian plays much the same role in our American society that the Jews played in Germany. Like the miner's canary, the Indian marks the shifts from fresh air to poison gas in our political atmosphere; and our treatment of Indians, even more than our treatment of other minorities, reflects the rise and fall in our democratic faith. - Felix S. Cohen - Yale Law Journal, February 1953.

A. Overview

A careful review of the historical literature reveals that the dominant policy of the Federal Government toward the American Indian has been one of forced assimilation which has vacillated between the two extremes of coercion and persuasion. At the root of the assimilation policy has been a desire to divest the Indian of his land and resources.

The Allotment Act of 1887 stands as a symbol of the worst aspects of the Indian policy. During the 46-year period it was in effect it succeeded in reducing the Indian landbase from 140 million acres to approximately 50 million acres of the least desirable land. Greed for Indian land and intolerance of Indian cultures combined in one act to drive the American Indian into the depths of poverty from which he has never recovered.

From the first contact with the Indian, the school and the classroom have been a primary tool of assimilation. Education was the means whereby we emancipated the Indian child from his home, his parents, his extended family, and his cultural heritage. It was in effect an attempt to wash the "savage habits" and "tribal ethic" out of a child's mind and substitute a white middle-class value system in its place. A Ponca Indian testifying before the subcommittee defined this policy from the standpoint of the Indian student--"School is the enemy!"

It is clear in retrospect that the "assimilation by education" policy was primarily a function of the "Indian land" policy. The implicit hope was that a "civilized Indian" would settle down on his 160 acres and become a gentleman farmer, thus freeing large amounts of additional land for the white man. But in addition, there has been a strong strain of "converting the heathen" and "civilizing the savage," which has subtly, but persistently, continued up to the present. Two stereotypes still prevail--"the dirty, lazy, drunken" Indian and, to assuage our conscience, the myth of the "noble savage."

Regretfully, one must conclude that this Nation has not faced up to an "American dilemma" more fundamental than the one defined so persuasively for us by Gunnar Myrdal in 1944. The "Indian problem" raises serious questions about this Nation's most basic concepts of political democracy. It challenges the most precious assumptions about what this country stands for--cultural pluralism, equity and justice, the integrity of the individual, freedom of conscience and action, and the pursuit of happiness. Relations with the American Indian constitute a "morality play" of profound importance in our Nation's history.

B. Historical Perspective--400 Years of Failure

The subcommittee has conducted a detailed and comprehensive analysis of our past and present failure as a nation to develop and implement an enlightened policy for the American Indian. The subcommittee feels that a full understanding of the historical roots of our present failures is essential, if problems are to be resolved and a more enlightened policy effected. The historical perspective

which follows is an abridgment of the thoroughly documented historical analysis which can be found in Appendix I of our report. We would urge all who are interested in the development of our present national policies to read the material in Appendix I.

1. Mission Period

The goal, from the beginning of attempts at formal education of the American Indian, has been not so much to educate him as to change him.

With the Jesuits, it was to acquaint the Indian with the French manner, French customs, the French language. With the Protestants, it was to Anglicize the natives and, in the process, prepare them for a "civilized" life. The Franciscans, working in the Southwest, also sought to bring Indians into the mainstream, but they were less interested in making Europeans of the Indians than were other missionaries. Regardless of the religious group, they all had the same goals: civilize and Christianize the Indian.

Beginning with the Jesuit mission school for Florida Indians in 1568, formal education of Indians was dominated by the church for almost 300 years. Jesuits and Franciscans were the first groups to try to remake the Indian in the mold of the white man, but the cause was taken up vigorously by Protestants when they gained a foothold in America. Education was adopted as the best means of accomplishing the task, and as early as 1617, King James I called upon Anglican clergy to provide funds for educating "children of these Barbarians in Virginia." The eventual result of his request was the establishment of the College of William and Mary--"a college for the children of the infidels."

Other schools for Indians were also started, but none were completely successful in achieving their "civilization goals." For though the Indian students often left school with an understanding of the principles of Christianity and a solid grasp of reading and writing skills, they still shied away from the white man's way of life. One observer of the times noted, with obvious frustration, that after the Indians returned home, "instead of civilizing and converting the rest, they have immediately relapt into infidelity and barbarism themselves."

2. The Treaty Period

The signing of the treaty between the United States and the Delaware Tribe in 1778 established treaties as the primary legal basis for Federal policies in regard to the American Indian. The earliest treaty containing a specific provision for education--a promise by the government to provide a tribe with teachers "in the arts of the miller and sawer"--was signed in 1794. Similar provisions, usually given in exchange for Indian lands, were common elements in treaties for the next 80 years.

The purpose of the treaties did not differ much from the reason behind the missionaries' activities. Both the government and the missionaries sought to civilize the Indian. But whereas the religious groups acted primarily out of altruism, the government thought more in terms of the value of possessing Indian lands. Government leaders recognized that if Indians could be converted from hunters into farmers, the Indians would require less land and would be easier to contain. Such a policy would naturally mean more land available for settlement by white men. Education of Indians was seen as the means of accomplishing the conversion.

Between 1778 and 1871, when the last treaty was signed, Indian tribes ceded almost a billion acres to the United States. In return, Indians generally retained inalienable and tax-exempt lands for themselves, and Government pledges to provide such public services as education, medical care, and

technical and agricultural training. Congress began appropriating funds for such services in 1802, when up to $15,000 was made available annually "to provide civilization among the aborigines." The basis for most Indian education programs was an act in 1819, though, which provided for an annual "civilization fund" to be used to convert Indians from hunters to agriculturalists. The act was in effect until 1873.

Responsibility for the education of Indians was placed in the hands of the Commissioner of Indian Affairs, a position created by Congress in 1832. The early commissioners viewed Indians as barbarous and heathen people "wedded to savage habits, customs and prejudices," and thus their educational policies revolved around controlling the Indian through coercive assimilation. As Commissioner L. Lea stated in 1850, the Indians must "resort to agricultural labor or starve." During this period the Government established an extensive program of manual training in agriculture and the mechanic arts in order to civilize the Indian. As early as 1838 the Government was operating 16 manual schools serving 800 students and 87 boarding schools serving about 2,000 students.

After 1871 the Government no longer engaged in treatymaking with Indian tribes. During this period it had committed itself to obligations in almost 400 treaties.

3. The Allotment Period

The last three decades of the 19th century were years of anguish for the Indian, as he fought in vain to defend his homeland from first plundering settlers, and then, the might of the U.S. Calvary. With the murder of Sitting Bull and the massacre of a Sioux band at Wounded Knee, S. Dak. in 1890, the conquest of the Indian was complete.

Three years prior to the final battle, though, the U.S. Government had initiated a means of dissolving the Indian land base legislatively. The Dawes Severalty Act of 1887 provided for land allotment to individual Indians as a means of breaking up the tribal structure and giving Indians an opportunity for a more civilized life. The actual results of the law were a diminishing of the Indian tribal economic base from 140 million acres to about 50 million acres, and severe social disorganization of the Indian family.

This land policy was directly related to the Government's Indian education policy because proceeds from the destruction of the Indian land base were to be used to pay the costs of taking Indian children from their homes and placing them in Federal boarding schools--a system designed to dissolve the Indian social structure. The Bureau of Indian Affairs had started building its boarding school system in the 1870's, often using abandoned Army posts or barracks as sites. Such schools were run in a rigid military fashion, with heavy emphasis on rustic vocational education. They were designed to separate a child from his reservation and family, strip him of his tribal lore and mores, force the complete abandonment of his native language, and prepare him for never again returning to his people. Although many changes have taken place over the years, some boarding schools still operate in 19th century converted Army posts and occasionally conduct practices which approximate the approach of the late 1800's.

Many Indian families resisted the assault of the Federal Government on their lives by refusing to send their children to school. Congress responded by authorizing the Secretary of Interior to withhold food or subsistence from those Indian families whose children weren't in school. In 1919 it was discovered that only 2,089 of an estimated 9,613 Navajo children were attending school, and thus the Government initiated a crash program of Navajo education. But because of a lack of schools on the reservation, many Navajo children were transported to boarding schools throughout the West and Southwest, without their parents' consent. The conditions at these boarding schools, where the children were often used as the labor force, received widespread attention with publication of the Meriam Report in 1928.

4. The Meriam Report and the New Deal Period

Probably the most significant investigation ever conducted into the field of Indian affairs was published in 1928. The Meriam Report, a survey of social and economic conditions of the American Indian, was prepared by the Brookings Institution in Washington D.C. (then known as the Institute for Government Research) under the direction of Lewis Meriam of the University of Chicago. The report led directly to one of the most creative and innovative periods in Indian affairs.

The major findings of the Meriam Report were that (1) Indians were excluded from management of their own affairs, and (2) Indians were receiving a poor quality of services (especially health and education) from public officials who were supposed to be serving their needs. These two findings remain just as valid today as they did more than 40 years ago.

The report was highly critical of boarding schools, both because of their inadequate facilities and the manner in which they were operated. It condemned the practice of taking children from their homes and placing them in off-reservation boarding schools. It stressed repeatedly the need for a relevant instructional curriculum adapted to the individual needs and background of the students. It chided the schools for failing to consider or adapt to the language of the child. It asked why Indians could not participate in deciding the direction of their schools. And it suggested that public schools, with their traditional curriculums, were not the answer either.

"The most fundamental need in Indian education," according to the report, "is a change in point of view." The Indian family and social structure must be strengthened, not destroyed. The qualifications of teachers in Indian schools must be high, not poor to average. The Federal school system must be a model of excellence.

The Meriam report had a substantial impact. Soon after John Collier became Commissioner of Indian Affairs in the Roosevelt administration in 1933, a series of new approaches were initiated which sought to overhaul completely the Federal Indian policy. The key legislation of the period, the Indian Reorganization Act of 1934, ended the allotment period and laid the groundwork for more autonomous tribal government. The act, which was submitted to and discussed with Indian tribes before being submitted to Congress, has been called the Indian bill of rights.

In education, Collier started programs in bilingual education, adult basic education, training of Indian teachers, Indian culture and in-service teacher training. During Collier's 12 years as Commissioner, 16 boarding schools were closed and 84 day schools were opened. Whereas in 1933 three-fourths of Indian students were enrolled in boarding schools, in 1943 two-thirds were attending day schools. The progress of the 1930's and early 1940's came to a halt with the advent of World War II, though, as a lack of funds joined with a congressional attitude of "de-Indianizing the Indian" to put an end to Collier's programs.

5. The Termination Period

In 1944 a House Select Committee on Indian Affairs offered recommendations on achieving "the final solution of the Indian problem." In almost every instance, the committee called for a return of the pre-Meriam policies. It criticized reservation day schools for adapting education to the Indian and to his reservation way of life. It said "real progress" would be made only when Indian children of elementary age were once again taken from their homes and placed in off-reservation boarding schools. "The goal of Indian education," according to the committee, "should be to make the Indian child a better American rather than to equip him simply to be a better Indian."

The House Committee's attitude was indicative of the swing the pendulum was taking. By 1948 the Commissioner of Indian Affairs, at the urging of Congress, was setting criteria for determining a tribe's readiness for withdrawal of Federal services. In 1949 Commissioner John Nichols argued that development of services, not termination of them, was needed, but his plea went unheeded. When Dillon Myer became Commissioner in 1950 the termination policy was at full throttle. It was a return to the dominant policy of the Federal Government--coercive assimilation of the American Indian. The goals were to get rid of the Indians and Indian trust land by terminating Federal recognition and services and relocating Indians into cities off the reservations--a policy viewed as a major catastrophe by the Indians.

In 1952 the Bureau of Indian Affairs closed down all Federal schools in Idaho, Michigan, Washington, and Wisconsin. Loans to Indian students authorized in the Reorganization Act of 1934 were discontinued. The following year a number of boarding and day schools were closed, as Indian students were transferred into public schools. Those Federal boarding schools in operation utilized a forced assimilation approach, educating children far from their homes (Navajo children in Oregon, Northwest Indians in Oklahoma) so that they would forget their family and the reservation way of life.

The legistlative base for the termination policy was laid in 1953 with passage of Public Law 280, which transferred Federal jurisdiction over law and order on Indian reservations to individual States, and House Concurrent Resolution 108, which called for the end of Federal services to Indians. Little time was wasted in implementing the policy. In 1953, 10 termination bills were introduced, with six of them passing. The termination period was brought to a partial halt on September 18, 1958, when Secretary of the Interior Fred Seaton announced that no tribe would be terminated without its consent. Despite his statement, Indians had developed a fear of termination which was to continue through the 1960's.

6. The 1960's

Alvin M. Josephy of American Heritage magazine has described the result of the Indian policy of the 1950's as "termination psychosis." Throughout the 1960's Indians exhibited an all-pervading suspicion of Government motives in Indian affairs. They were confused, disoriented, and filled with anxiety and worry, according to Josephy. In effect, the termination policy had told the Indian tribes that if they demonstrated economic progress they would be punished by a withdrawal of Federal services.

Attempts to counterattack the termination psychosis were a significant part of Indian history of the 1960's, but the failure of a new policy framework to emerge during this period meant that most of these attempts were futile.

The first formal reaction to termination in the 1960's was publication of the Fund for the Republic study by the Commission on Rights, Liberties, and Responsibilities of the American Indian. This January 1961 report focused attention on the injustices of termination policy, the paternalistic attitudes and practices of the Bureau of Indian Affairs, and the inadequate services provided Indians. It argued for reorganization of the Bureau's education program and increased Indian involvement in determining programs affecting Indians. Both of these issues were to dominate Indian education during this decade.

Six months after the Fund for the Republic report was issued a conference of Indian leaders was held in which a "Declaration of Indian Purpose" was formulated. The Indians repudiated the termination policy of the 1950's and expressed their desire to play a decisive role in planning their own programs. Like the Fund for the Republic report, the conference indicated a reorganization of the Bureau of Indian Affairs was essential. But the Indians made it clear they wanted to play an important role in determining the reorganization.

The Kennedy administration responded to the Indian people with its own study of Indian affairs, a task force headed by Secretary of the Interior Stewart Udall.

The July 1961 report suggested a wide range of new activities in Indian education, from increased funds for scholarships to the encouragement of Indian parent participation in the formulation of school programs. The recommendations would certainly have improved Indian education, but their implementation was almost impossible, given the Bureau's organizational structure--a matter with which the report did not come to grips. The report repudiated termination and suggested that economic development on Indian reservations be the basis of a new Federal Indian policy. As a result, between 1961 and 1965 the Bureau of Indian Affairs shifted its policy direction and embarked on a program of economic and community development. But nothing was done to refashion the Bureau into an effective instrument for executing the new policy and programs.

One of the most significant accomplishments in Indian affairs during the 1960's was the enactment of legislation--the Economic Opportunity Act--which gave Indians the opportunity to participate in and control their own programs. Head Start programs, for example, were the first meaningful effort to provide early childhood experiences for Indian children. Upward Bound, Jop Corps, and VISTA all had significant Indian participation. But in terms of demonstrating the importance of Indian initiative and self-determination, and the ability of Indians to effectively carry out their own programs, the Community Action Programs on Indian reservations have been the most important innovations of the 1960's. More than 60 Community Action Programs, involving 105 Federal reservations in 17 States, presently exist. The most important experiment in the field of Indian education in the 1960's was the establishment of the Rough Rock Demonstration School on the Navajo Reservation in Arizona. The initiative for the project, as well as some of its funds, came from the Office of Economic Opportunity, which worked closely with Dr. Robert Roessel who became the school's first director.

Established on July 27, 1966, as a private, nonprofit organization, the school is run by a five-member Navajo school board. Only two of the school board members have had any formal education and weekly school board meetings are conducted in Navajo. The school is committed to the involvement of Indians in "their" school. Tribal elders, for example, are used to teach traditional materials. Culturally-sensitive curriculum materials have been developed, and the bilingual approach to the teaching of English is used. The school is regarded not just as a place for educating Indian children, but as the focus for development of the local community. Rough Rock has become a symbol of Indian participation and control and educational innovation, and has been extraordinarily influential in shaping a new policy in Indian education.

A second landmark in Indian education legislation of the 1960's was the Elementary and Secondary Education Act of 1965. The law provided funds for improving the education of disadvantaged children. In 1966 Indians in Federal schools were involved in Title I of the act (innovative programs for disadvantaged children), and in fiscal year 1969 approximately $9 million was appropriated specifically for Indians in Federal schools. Disadvantaged Indians in public schools also benefit from the legislation. Other titles of the act have aided in the development of special supplemental centers and the establishment of regional educational laboratories, some of which are doing significant work in Indian education. Drop out prevention and bilingual education titles of the act are also benefiting some Indians.

The programs of the Office of Economic Opportunity and the Elementary and Secondary Education Act provided some optimism for Indian education in the mid-1960's. The Bureau of Indian Affairs, with Carl Marburger serving as Assistant Commissioner for Education, talked about making the Federal Indian schools an exemplary system, utilizing bilingual approaches and a culturally sensitive curriculum. But the continual problem of working within the Bureau's educational structure, together with less than

full-hearted congressional support, made Marburger's exemplary system just a dream.

Another major attempt to formulate a new policy on Indian affairs was the 1966 Presidential Task Force Report. The report recognized the necessity of coming to grips with one of the fundamental questions--reorganization of the Bureau of Indian Affairs--and recommended transferring the responsibility for Indian affairs from the Department of Interior to the Department of Health, Education, and Welfare. The report placed education as the priority item in improving Indian affairs, and strongly endorsed Indian control and an exemplary school system.

The report concluded with a clear warning against acting precipitously and without full explanation and consultation with the Indian tribes. Nevertheless, the President seized upon the idea in a way which aroused Indian anxiety. When the proposed transfer was hinted at by Secretary Gardner at an Indian manpower conference in February 1968, Indians reacted as if it was a termination proposal (the assumption was that the various functions of BIA would be scattered throughout HEW), and the matter was dead before it ever got openly explained and discussed.

These Indian control and exemplary school system items became the major recommendations of President Johnson's message on Indian affairs on March 6, 1968. The President rejected termination as a policy and suggested it be replaced by self-determination. He called for increased funding for the OEO programs which had proved so successful and stated his intention to make Federal schools a "model community school system." The recommendations were not new, nor was the President's silence regarding the Bureau of Indian Affairs organizational defects, which would continue to retard any massive efforts at reform.

The 1960's began with determined effort to seek a new policy which would alleviate Indian termination fears and reorganize the Bureau of Indian Affairs so that it could effectively provide an exemplary educational program for Indians. The 1960's are ending with those same problems unresolved.

Appendix B

CHRONOLOGICAL LIST OF TREATIES MADE BETWEEN INDIAN TRIBES AND THE U.S. GOVERNMENT CONTAINING EDUCATIONAL PROVISIONS

Date	Tribe	Statute	Article
Dec 2, 1794	Treaty with the Oneidas, Tuscarora, and Stockbridge	7 Stat. 47	3
Aug 13, 1803	Treaty with the Kaskaskia	7 Stat. 48	
Aug 18, 1804	Treaty with the Delaware	7 Stat. 81	2
Oct 18, 1820	Treaty with the Choctaw	7 Stat. 210	7,8
Aug 29, 1821	Treaty with the Ottawa, Chippewa, and Potawatomi	7 Stat. 218	4
Sep 18, 1823	Treaty with Seminoles of Florida	7 Stat. 224	6
Jan 20, 1825	Treaty with the Choctaw	7 Stat. 234	2
Feb 12, 1825	Treaty with the Creek Nation	7 Stat. 237	7
June 2, 1825	Treaty with the Great and Little Osage	7 Stat. 240	6
June 3, 1825	Treaty with the Kansas Nation	7 Stat. 244	4,5
Aug 5, 1826	Treaty with the Chippewa	7 Stat. 290	6
Oct 16, 1826	Treaty with the Potawatomie	7 Stat. 295	3
Oct 23, 1826	Treaty with the Miami	7 Stat. 300	6
Aug 11, 1827	Treaty with the Chippewa, Menominees, Winnebagoes and New York Indians	7 Stat. 303	5
Nov 15, 1827	Treaty with the Creek Nation	7 Stat. 307	
May 6, 1828	Treaty with the Cherokee Nation	7 Stat. 311	5
Sep 20, 1828	Treaty with the Potawatomi	7 Stat. 317	2
Sep 24, 1829	Treaty with the Delaware	7 Stat. 327	(1)
Jul 15, 1830	Treaty with the Sacs and Foxes, etc.	7 Stat. 328	5
Sep 27, 1830	Treaty with the Choctaw Nation	7 Stat. 333	20
Feb 8, 1831	Treaty with the Menominee	7 Stat. 342	4,5
Mar 24, 1832	Treaty with the Creek Nation	7 Stat. 366	13
May 9, 1832	Treaty with the Seminole	7 Stat. 368	
Sep 15, 1832	Treaty with the Winnebago Nation	7 Stat. 370	4
Oct 24, 1832	Treaty with the Kickapoo	7 Stat. 391	7
Oct 27, 1832	Treaty with the Potawatomi	7 Stat. 399	4
Feb 14, 1833	Treaty with the Creek Nation	7 Stat. 417	5
May 13, 1833	Treaty with the Quapaw	7 Stat. 424	3
Sep 21, 1833	Treaty with the Otoes and Missourias	7 Stat. 429	4
Oct 9, 1833	Treaty with the Pawnee	7 Stat. 448	5
May 24, 1834	Treaty with the Chickasaw	7 Stat. 450	(2)
Dec 29, 1835	Treaty with the Cherokee	7 Stat. 478	10,11
Mar 28, 1836	Treaty with the Ottawa and Chippewa	7 Stat. 491	4(2)
Sep 17, 1836	Treaty with the Sacs and Foxes	7 Stat. 511	3
Oct 15, 1836	Treaty with the Otoes, etc.	7 Stat. 524	
Oct 21, 1837	Treaty wtih the Sac and Fox	7 Stat. 543	2(8)
Oct 19, 1838	Treaty with the Ioway	7 Stat. 568	2(3)
Mar 17, 1842	Treaty with the Wyandot Nation	11 Stat. 581	4
Oct 4, 1842	Treaty with the Chippewa of Lake Superior and the Mississippi	7 Stat. 591	4
Oct 11, 1842	Treaty with the Sac and Fox of Iowa	7 Stat. 596	2
Jan 4, 1845	Treaty with the Creeks and Seminoles	9 Stat. 821-2	4,6
Jan 14, 1846	Treaty with the Kansas	9 Stat. 842	2
May 15, 1846	Treaty with the Comanche, etc.	9 Stat. 844	13
June 15&17, 1846	Treaty with the Potawatomi	9 Stat. 853	8

Date	Tribe	Statute	Article
Oct 13, 1846	Treaty with the Winnebago	9 Stat.878	4
Aug 2, 1847	Treaty with the Chippewa	9 Stat.904	3
Oct 18, 1848	Treaty with the Menominee	9 Stat.952	4,5
Apr 1, 1850	Treaty with the Wynadot	9 Stat.987	
Jul 23, 1851	Treaty with the Sioux	10 Stat.949	4(2,3)
Aug 15, 1851	do	10 Stat.954	4(2,3)
Mar 15, 1854	Treaty with the Otoes and Missouria	10 Stat.1038	4
Mar 16, 1854	Treaty with the Omaha	10 Stat.1043	4,13
May 6, 1854	Treaty with the Delaware	10 Stat.1048	5,7
May 10, 1854	Treaty with the Shawnees	10 Stat.1053	3,6
May 12, 1854	Treaty with the Menominee	10 Stat.1064	3
May 17, 1854	Treaty with the Ioway	10 Stat.1069	5,9
May 18, 1854	Treaty with the Kickapoo	10 Stat.1078	2
May 30, 1854	Treaty with the Kaskaskia, etc.	10 Stat.1082	7
Jun 5, 1854	Treaty with the Miami	10 Stat.1093	3,4,1
Sep 30, 1854	Treaty with the Chippewa	10 Stat.1109	4
Nov 15, 1854	Treaty with the Rogue Rivers	10 Stat.1119	2
Nov 18, 1854	Treaty with the Shastas, etc.	10 Stat.1122	5
Nov 29, 1854	Treaty with the Umpqua, etc.	10 Stat.1125	3,6
Dec 26, 1854	Treaty with the Nisqualli, etc.	10 Stat.1132	10
Jan 22, 1855	Treaty with the Dwamish, etc.	12 Stat.927	3,14
Do	Treaty with the Willamette Bands	10 Stat.1143	2,3
Jan 26, 1855	Treaty with the S'Kallams	12 Stat.933	11
Jan 31, 1855	Treaty with the Makah Tribe	12 Stat.939	11
Feb 22, 1855	Treaty with the Chippewa of Mississippi	10 Stat.1165	3,4
Jun 9, 1855	Treaty with the Yakima	12 Stat.1125	5
Do	Treaty with the Walla-Wallas, etc.	12 Stat.945	2,4
Jun 11, 1855	Treaty with the Nez Perces	12 Stat.957	5
Jun 22, 1855	Treaty with the Choctaw and Chickasaw	11 Stat.611	13
Jun 25, 1855	Treaty with the Tribes of Middle Oregon	12 Stat.963	2,4
Jul 1, 1855	Treaty with the Qui-nai-elt, etc.	12 Stat.971	10
Jul 16, 1855	Treaty with the Flathead, etc.	12 Stat.975	5
Jul 31, 1855	Treaty with the Ottawas and Chippewas	11 Stat.621	1,2(1)
Aug 2, 1855	Treaty with the Chippewa of Saginaw, Swan Creek and Black River	11 Stat.633	2
Oct 17, 1855	Treaty with the Blackfeet	11 Stat. 657	10
Dec 21, 1855	Treaty with the Molala	12 Stat. 981	2(4)
Feb 5, 1856	Treaty with the Stockbridge and Munsee	11 Stat.633	4,7,8
Aug 7, 1856	Treaty with the Creeks and Seminoles	11 Stat.699	5,7,8
Sep 24, 1857	Treaty with the Pawnees	11 Stat.729	3
Mar 12, 1858	Treaty with the Poncas	12 Stat.997	2(4)
Apr 19, 1858	Treaty with the Yankton Tribe of Sioux	11 Stat.743	4(4)
Jun 19, 1858	Treaty with the Sioux Bands	12 Stat.1031	5
Jul 16, 1859	Treaty with the Chippewa Bands	12 Stat.1105	1,3
Feb 18, 1861	Treaty with Arapaho and Cheyenne	12 Stat.1163	2
Mar 6, 1861	Treaty with the Sauk and Foxes, etc.	12 Stat.1171	5,6
Jun 24, 1862	Treaty with the Ottowa	12 Stat.1237	6
Jun 28, 1862	Treaty with the Kickapoo	13 Stat.623	3
Mar 11, 1863	Treaty with the Chippewa of Mississippi and Pillager and Lake Winnibigoshish Bands	12 Stat.2149	13
Jun 9, 1863	Treaty with the Nez Perce	14 Stat.647	4(4),5(4)
Oct 2, 1863	Treaty with the Chippewa (Red Lake and Pembina Bands)	13 Stat.667	3
May 7, 1864	Treaty with the Chippewas	13 Stat.693	9,13
Oct 14, 1864	Treaty with the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians	16 Stat.707	4,5

Date	Tribe	Statute	Article
Oct 18, 1864	Treaty with the Chippewas	14 Stat.657	4
Mar 8, 1865	Treaty with the Winnebago	14 Stat.671	4
Aug 12, 1865	Treaty with the Snake	14 Stat.683	7,8
Sep 29, 1865	Treaty with the Osage	14 Stat.687	2,8
Oct 14, 1865	Treaty with the Lower Brule Sioux	14 Stat.699	6
Mar 21, 1866	Treaty with the Seminoles	14 Stat.755	3
Apr 7, 1866	Treaty with the Bois Fort Band of Chippewa	14 Stat.765	3(2,3)
Apr 28, 1866	Treaty with the Choctaw and Chickasaw Nation	14 Stat.769	9,21,46
Jun 14, 1866	Treaty with the Creek Nation	14 Stat.785	12,13
Feb 18, 1867	Treaty with the Sauk and Foxes	15 Stat.495	9
Feb 19, 1867	Treaty with the Sisseton, etc., Sioux	15 Stat.505	6,7
Feb 23, 1867	Treaty with the Senecas, etc.	15 Stat.513	10,19,2
Mar 19, 1867	Treaty with the Chippewa of the Mississippi	16 Stat.719	3
Oct 21, 1867	Treaty with the Kiowa and Comanche	15 Stat.581	4,7,14
Do	Treaty with the Kiowa, Comanche and Apache	15 Stat.589	2
Oct 28, 1867	Treaty with the Cheyenne and Arapaho	15 Stat.593	4,7,13
Mar 2, 1868	Treaty with the Utes	15 Stat.619	4,8,10
Apr 29,et seq, 1868	Treaty with the Sioux Nation	15 Stat.635	7,9,13
May 7, 1868	Treaty with the Crow	15 Stat.649	3,7,10
May 10, 1868	Treaty with the Northern Cheyenne and Northern Arapaho	15 Stat.655	4,7
Jun 1, 1868	Treaty with the Navajo	15 Stat.667	3,6
Jul 3, 1868	Treaty with the Eastern Band Shoshoni and Bannock	15 Stat.673	3,7,10
Aug 13, 1868	Treaty with the Nez Perce	15 Stat.693	3

(Cohen, Felix S., Law Reviews)

Appendix C

CONTRACT SCHOOLS

Aberdeen

Red Scaffold Day School
Faith, SD 57626
Agency: Cheyenne River
Contractor: Red Scaffold
School Board, Inc.
Faith, SD 57626

St. Michael's Tribal School
St. Michael's, ND 58370
Agency: Fort Totten
Contractor: Devils Lake
Sioux Tribe, Inc.
Fort Totten, ND 58335

Lower Brule Day School
Lower Brule, SD 57548
Agency: Lower Brule
Contractor: Lower Brule Sioux
Tribe, Inc.
Lower Brule, SD 57548

Crow Creek High School
Stephan, SD 57346
Agency: Fort Thompson
Contractor: Crow Creek Reservation
High School Board
Fort Thompson, SD 57339

Theodore Jamison Elementary School
3315 S Airport Road
Bismarck, ND 58501
Agency: Aberdeen A.O.
Contractor: United Tribes Education
Technical Center, Inc.
3315 S Airport Road
Bismarck, ND 58501

Pierre Indian Learning Center
Star Route #3
Pierre, SD 57501
Agency: Aberdeen A.O.
Contractor: Indian Board of Education
for Pierre Indian Learning
Center, Inc.
Star Route #3
Pierre, SD 57501

Manderee Day School
Manderee, ND 58757
Agency: Fort Berthold
Contractor: Manderee School District #36
Manderee, ND 58757

Twin Buttes Day School
Halliday, ND 58636
Agency: Fort Berthold
Contractor: Twin Buttes School
District #37
Halliday, ND 58636

Little Wound Day School
PO Box 289
Kyle, SD 57752
Agency: Pine Ridge
Contractor: Little Wound School
Board, Inc.
Kyle, SD 57752

Loneman Day School
Oglala, SD 57764
Agency: Pine Ridge
Contractor: Loneman School Corporation
Oglala, SD 57764

St. Francis Indian School
St. Francis, SD 57572
Agency: Rosebud
Contractor: Sicangu Oyate Ho, Inc.
St. Francis, SD 57572

Marty Indian School
Marty, SD 57361
Agency: Yankton
Contractor: Marty Indian School
Board, Inc.
Marty, SD 57361

Ojibway Indian School
PO Box 3-A
Belcourt, ND 58316
Agency: Turtle Mountain
Contractor: Turtle Mountain Band
of Chippewa Indians, Inc.
PO Box 3-A
Belcourt, ND 58316

Turtle Mountain High School
Belcourt, ND 58316
Agency: Turtle Mountain
Contractor: Turtle Mountain Band
of Chippewa Indians, Inc.
Belcourt, ND 58316

Albuquerque

Albuquerque Indian School
1000 Menaul Blvd, NW
Albuquerque, NM 87107
Agency: ORBS
Contractor: All Indian Pueblo Council, Inc.
PO Box 6507
Albuquerque, NM 87197

Pine Hill Schools
CPO Drawer H
Pine Hill, NM 87321
Agency: Ramah Navajo
Contractor: Ramah Navajo School Board, Inc.
PO Box 249
Ramah, NM 87321

Acoma Early Childhood Development Program
Acoma, NM 87049
Agency: Southern Pueblo Agency SPA
Contractor: Acoma Pueblo
PO Box 64
San Fidel, NM 87049

Anadarko

Institute of the Southern Plains
PO Box 231
Hammon, OK 73650
Agency: Concho
Contractor: Institute of the Southern Plains School Board, Inc.
Hammon, OK 73650

Billings

Busby School
Buscy, MI 59016
Agency: Northern Cheyenne
Contractor: Busby School Board, Inc.
Busby, MI 59016

Labre Indian School
Ashland, MI 59003
Agency: Northern Cheyenne
Contractor: Labre Indian School, Inc.
Ashland, MI 59003

Two Eagle River School
Dixon, MI 59831
Agency: Flathead
Contractor: Conf. Salish and Kootnai Tribes of Flathead Reservation, Inc.
Pablo, MI 59095

St. Stephens Indian School
PO Box 345
St. Stephens, WY 62524
Agency: Wind River
Contractor: St. Stephens Indian School Education Association, Inc.
St. Stephens, WY 62524

Wyoming Indian High School
Ethete, WY 82520
Agency: Wind River
Contractor: Wind River Indian Education Association, Inc.
Ethete, WY 82520

Eastern

Choctaw Parent-Child Development Program
Rt #7 Box 21
Philadelphia, MS 39350
Agency: Choctaw
Contractor: Mississippi Band of Choctaw Indians
Tribal Office Building
Rt 7 Box 21
Philadelphia, MS 39350

Miscosukee School
PO Box 440021
Miami, FL 33144
Agency: Eastern A.O.
Contractor: Miscosukee Tribe of Indians of Florida
PO Box 440021
Iamiami Station
Miami, FL 33144

Minneapolis

Nay-Ah-Shig Day School
Star Route
Oramia, MN 56359
Agency: Minnesota
Contractor: Mille Lacs Reservation Business Committee
Star Route
Oramia, MN 56359

Lac Courtes Oreilles-Ojibway School
Route #1
Couderay, WI 54828
Agency: Great Lakes
Contractor: Lac Courtes Oreilles-Ojibway Tribal Governing Board
Route #2
Hayward, WI 54843

Oneida Tribal School
PO Box 198 c/o SHC
Oneida, WI 54155
Agency: Great Lakes
Contractor: Oneida Tribe of Indians of Wisconsin
1288 Fish Creek Road
DePere, WI 54115

Hannahville Indian School
Route #1
Wilson, MI 49896
Agency: Michigan
Contractor: Hannahville Indian Education Committee
Route #1
Wilson, MI 49896

Bug-O-Nay-Ge-Shig School
PO Box 82
Cass Lake, MN 56533
Agency: Minnesota
Contractor: Leach Lake Reservation Business Committee
PO Box 308
Cass Lake, MN 56533

Menominee Innovative School
PO Box 397
Keshena, WI 54135
Agency: Minneapolis A.O.
Contractor: Menominee Indian Tribe of Wisconsin
PO Box 397
Keshena, WI 54135

Navajo

A School For Me
PO Box 273
Tohatchi, NM 87325
Agency: Fort Defiance
Contractor: A School For Me, Inc.
PO Box 273
Tohatchi, NM 87325

Rough Rock Schools
Star Route #1
Rough Rock, AZ 86503
Agency: Chinle
Contractor: Rough Rock School Board, Inc.
Star Route #1
Rough Rock, AZ 86503

Little Singer Community School
Box 239, Star Route
Winslow, AZ 86047
Agency: Tuba City
Contractor:

Borrego Pass School
PO Drawer A
Crownpoint, NM 87313
Agency: Eastern Navajo
Contractor: Borrego Pass School Board, Inc.
PO Drawer A
Crownpoint, NM 87313

Rock Point Community School
Via
Chinle, AZ 86503
Agency: Chinle
Contractor: Rock Point School Board, Inc.
Via
Chinle, AZ 86503

Black Mesa Community School
Box 215, Star Route #1
Rough Rock, AZ 86503
Agency: Chinle
Contractor: Black Mesa Community School Board, Inc.
Box 215, Star Route #1
Chinle, AZ 86503

Shiprock Alternative School
PO Box 1799
Shiprock, NM 87420
Agency: Shiprock
Contractor: Shiprock Alternative School Board, Inc.
PO Box 1799
Shiprock, NM 87420

Navajo Academy
1200 W Apache Street
Farmington, NM 87401
Agency: Shiprock
Contractor: Navajo Academy Board of Directors
1200 W Apache Street
Farmington, NM 87401

Alamo Community School
Via
Magdalena, NM 87825
Agency: Eastern
Contractor: Alamo Community School Board, Inc.
Via
Magdalena, NM 87825

Phoenix

Duckwater-Shoshone Elementary School
PO Box 3
Duckwater, NV 89314
Agency: Eastern Nevada
Contractor: Duckwater Tribe, Inc.
Duckwater, NV 89314

Blackwater Community School
PO Box 1137
Coolidge, AZ 85228
Agency: Pima
Contractor: Gila River Indian Community
PO Box 123
Sacaton, AZ 85247

Hoteville Day School
Hoteville, AZ 86030
Agency: Hopi
Contractor: Hopi Tribal Council
Oraibi, AZ 86039

Moencopi Day School
PO Box 185
Tuba City, AZ 86045
Agency: Hopi
Contractor: Hopi Tribal Council
PO Box 123
Oraibi, AZ 86039

Havasupai Elementary School
Supai, AZ 86435
Agency: Truxton-Canjon
Contractor: Havasupai Tribal Council, Inc
PO Box 10
Supai, AZ 86435

Fort McDowell Pre-School
PO Box 1779
Fountain Hills, AZ 85268
Agency: Salt River
Contractor: Fort McDowell Mohave Apache Indian
PO Box 244
Fountain Hills, AZ 85268

Pyramid Lake School
Nixon, NV 89424
Agency: Paiute
Contractor: Paiute Tribal Council
Education Board
PO Box 256
Nixon, NV 89424

Portland

Coeur d'Alene Tribal School
DeSmet, ID 83824
Agency: Northern Idaho
Contractor: Coeur d'Alene Tribal Council
Plummer, ID 83851

Paschal Sherman Indian School
Omak Lake Road
Omak, WA 98841
Agency: Colville
Contractor: Colville Business Council
PO Box 150
Nespelem, WA 99155

Shoshone-Bannock Alternative School
PO Box 306
Fort Hall, ID 83203
Agency: Fort Hall
Contractor: Fort Hall Business Committee, Shoshone-Bannock Tribes
PO Box 306
Fort Hall, ID 83203

Nez Perce Tribal School
PO Box 305
Lapwai, ID 83540
Agency: Northern Idaho
Contractor: Nez Perce Tribe of Idaho
PO Box 305
Lapwai, ID 83540

Puyallup Tribal School
519 East 28th Street
Tacoma, WA 98421
Agency: Puget Sound
Contractor: Puyallup Tribal Council
2215 East 32nd Street
Tacoma, WA 98421

Yakima Tribal School
PO Box 151
Toppenish, WA 98948
Agency: Yakima
Contractor: Conf. Tribes and Bands of the Yakima Indian Nation
PO Box 151
Toppenish, WA 98948

Quillette Tribal School
PO Box 279
LaPush, WA 98350
Agency: Olympic Peninsula
Contractor: Quillette Tribal Council
PO Box 279
LaPush, WA 98350

Sacramento

Hoopa Valley Tribal Early Education Program
PO Box 817
Hoopa, CA 95546
Agency: Hoopa
Contractor: Hoopa Valley Tribe
PO Box 817
Hoopa, CA 95546

Round Valley Tribal School
PO Box 448
Covelo, CA 95428
Agency: Central California
Contractor: Covelo Community Council
Covelo, CA 95428

Appendix D

TRIBALLY CONTROLLED COMMUNITY COLLEGE ACT OF 1978
(PL 95-471)
95th Congress

AN ACT
To provide for grants to tribally controlled community colleges, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Tribally Controlled Community College Assistance Act of 1978".

DEFINITIONS

(1) "Indian" means a person who is a member of an Indian tribe and is eligible to receive services from the Secretary of the Interior;

(2) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

(3) "Secretary", unless otherwise designated, means the Secretary of the Interior;

(4) "tribally controlled community college" means an institution of higher education which is formally controlled, or has been formally sanctioned, or chartered, by the governing body of an Indian tribe or tribes, except that no more than one such institution shall be recognized with respect to any such tribe;

(5) "institution of higher education" means an institution of higher education as defined by section 1201(a) of the Higher Education Act of 1965, except that clause (2) of such section shall not be applicable;

(6) "national Indian organization" means an organization which the Secretary finds is nationally based, represents a substantial Indian constituency, and has expertise in the field of Indian education; and

(7) "full-time equivalent Indian student" means the number of Indians enrolled full-time, and the full-time equivalent of the number of Indians enrolled part-time (determined on the basis of the quotient of the sum of the credit hours of all part-time students divided by twelve) in each tribally controlled community college, calculated on the basis of registrations as in effect at the conclusion of the sixth week of an academic term.

TRIBAL I--TRIBALLY CONTROLLED COMMUNITY COLLEGES

PURPOSE

Sec. 101. It is the purpose of this title to provide grants for the operation and improvement of tribally controlled community colleges to insure continued and expanded educational opportunities for Indian students.

GRANTS AUTHORIZED

Sec. 102(a). The Secretary is authorized to make grants pursuant to this title to tribally controlled community colleges to aid in the post-secondary education of Indian students.

(b) Grants made pursuant to this title shall go into the general operating funds of the institution to defray the expense of activities related to education programs for Indian students. Funds provided pursuant to this title shall not be used in connection with religious worship or sectarian instruction.

ELIGIBLE GRANT RECIPIENTS

Sec. 103. To be eligible for assistance under this title, a tribally controlled community college must be one which--

(1) is governed by a board of directors or board of trustees a majority of which are Indians;

(2) demonstrates adherence to stated goals, a philosophy, or a plan of operation which is directed to meet the needs of Indians; and

(3) if in operation for more than one year, has students a majority of whom are Indians.

TECHNICAL ASSISTANCE CONTRACTS

Sec. 104. The Secretary shall provide, upon request, technical assistance to tribally controlled community colleges either directly or through contract. In the awarding of contracts for technical assistance, preference shall be given to an organization designated by the tribally controlled community college to be assisted. No authority to enter into contracts provided by this section shall be effective except to the extent authorized in advance by appropriations Acts.

FEASIBILITY STUDIES

Sec. 105(a) The Secretary is authorized to enter into an agreement with the Assistant Secretary of Education of the Department of Health, Education, and Welfare to assist the Bureau of Indian Affairs in developing plans, procedures, and criteria for conducting the feasibility studies required by this section. Such agreement shall provide for continuing technical assistance in the conduct of such studies.

(b) The Secretary, within thirty days after a request by any Indian tribe, shall initiate a feasibility study to determine whether there is justification to encourage and maintain a tribally controlled community college, and, upon a positive determination, shall aid in the preparation of grant applications and related budgets which will insure successful operation of such an institution.

(c) Funds to carry out the purposes of this section for any fiscal year may be drawn from either--

(1) general administrative appropriations to the Secretary made after the date of enactment of this Act for such fiscal year; or

(2) not more than 10 per centum of the funds appropriated to carry out section 106 for such fiscal year.

GRANTS TO TRIBALLY CONTROLLED COMMUNITY COLLEGES

Sec. 106(a) Grants shall be made under this title only in response to applications by tribally controlled community colleges. Such applications shall be submitted at such time, in such manner, and will contain or be accompanied by such information as the Secretary may reasonably require pursuant to regulations. The Secretary shall not consider any grant application unless a feasibility study has been conducted under section 105 and it has been found that the applying community college will serve a reasonable student population.

(b) The Secretary shall consult with the Assistant Secretary of Education of the Department of Health, Education, and Welfare to determine the reasonable number of students required to support a tribally controlled community college. Consideration shall be given to such factors as tribal and cultural differences, isolation, the presence of alternate education sources, and proposed curriculum.

(c) Priority in grants shall be given to institutions which are operating on the date of enactment of this Act and which have a history of service to the Indian people. In the first year for which funds are appropriated to carry out this section, the number of grants shall be limited to not less than eight nor more than fifteen.

(d) In making grants pursuant to this section, the Secretary shall, to the extent practicable, consult with national Indian organizations and with tribal governments chartering the institutions being considered.

(e) The Secretary shall report to Congress on January 15 of each year the current status of tribally controlled community colleges and his recommendations for needed action.

AMOUNT OF GRANTS

Sec.107(a) Except as provided in section 110, the Secretary shall, for each academic year, grant to each tribally controlled community college having an application approved by him, an amount equal to $4,000 for each full-time equivalent Indian student in attendance at such college during such academic year, as determined by the Secretary in accordance with such regulations as he may prescribe, except that no grant shall exceed the total annual cost of the education program provided by such college.

(b) The Secretary shall make payments, pursuant to grants under this title, in advance installments of not less than 40 per centum of the funds available for allotment, based on anticipated or actual numbers of full-time equivalent Indian students or such other factors as determined by the Secretary. Adjustments for overpayments and underpayments shall be applied to the remainder of such funds and such remainder shall be delivered no later than July 1 of each year.

(c)(1) Each institution receiving payments under this title shall annually provide to the Secretary and accurate and detailed accounting of its operating and maintenance expenses and such other information concerning costs as the Secretary may request.

(2) The Secretary shall, in consultation with the National Center for Education Statistics, establish a data collection system for the purpose of obtaining accurate information with respect to the needs and costs of operation and maintenance of tribally controlled community colleges. The Secretary shall report annually to the Congress on such needs.

Sec.108. Except as specifically provided in this title, eligibility for assistance under this title shall not, by itself, preclude the eligibility of any tribally controlled colledge to receive Federal financial assistance under any program authorized under the Higher Education Act of 1965 or any other applicable program for the benefit of institutions of higher education, community colleges, or postsecondary educational institutions.

APPROPRIATIONS AUTHORIZED

Sec.109(a)(1) There are authorized to be appropriated, for carrying out section 106, $25,000,000 for each of the fiscal years beginning October 1, 1979, and October 1, 1980, and $30,000,000 for the fiscal year beginning October 1, 1981.

(2) There are authorized to be appropriated $3,200,000 for each of such three fiscal years, for the provision of technical assistance pursuant to section 104.

(b) Unless otherwise provided in appropriations Acts, funds appropriated pursuant to this section shall remain available until expended.

(c) Nothing in this title shall be deemed to authorize appropriations for the fiscal year beginning October 1, 1978.

GRANT ADJUSTMENTS

Sec. 110(a) If the sums appropriated for any fiscal year for grants under this title are not sufficient to pay in full the total amounts which approved grant applicants are eligible to receive under this title for that fiscal year, the amounts which such applicants are eligible to receive under this title for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for the same fiscal year, such reduced amounts shall be increased on the same basis as they were reduced. Sums appropriated in excess of the amount necessary to pay in full such total eligible amounts shall be allocated by ratably increasing such total eligible amounts.

(b) In any fiscal year in which the amounts for which grant recipients are eligible to receive have been reduced under the first sentence of subsection (a) of this section, and in which additional funds have not been made available to pay in full the total of such amounts under the second sentence of such subsection, each grantee shall report to the Secretary any unused portion of received funds ninety days prior to the grant expiration date. The amounts so reported by any grant recipient shall be made available for reallocation to eligible grantees on a basis proportionate to the amount which is unfunded as a result of the ratable reduction, but no grant recipient shall receive, as a result of such reallocation, more than the amount provided for under section 106(a) of this title.

REPORT ON CURRENT FACILITIES

Sec.111. The Secretary shall, not later than ninety days after the date of enactment of this Act, prepare and submit a report to the Congress containing a survey of existing and planned physical facilities of tribally controlled community colleges, including in his report a survey of Bureau of Indian Affairs existing and planned facilities which may be used for tribally controlled community colleges without disruption of current Bureau programs.

Sec.112. The Secretary shall conduct a detailed survey and study of the academic facilities needs of tribally controlled community colleges and shall report to the Congress not later than November 1, 1979, the results of such survey and study. Such report shall include any recommendations or views submitted by the governing body of any such college and by the governing body of the tribe, and shall include detailed recommendations by the Secretary as to the number, type, and cost of academic facilities which are required, ranking each such required facility by relative need.

MISCELLANEOUS PROVISIONS

Sec.113(a) The Navajo Tribe shall not be eligible to participate under the provisions of this title.

(b)(1) The Secretary shall not provide any funds to any institution which denies admission to any Indian student because such individual is not a member of a specific Indian tribe, or which denies admission to any Indian student because such individual is a member of a specific tribe.

(2) The Secretary shall take steps to recover any unexpended and unobligated funds provided under this title held by an institution determined to be in violation of paragraph (1).

RULES AND REGULATIONS

Sec.114(a) Within four months from the date of enactment of this Act, the Secretary shall, to the extent practicable, consult with national Indian organizations to consider and formulate appropriate rules and regulations for the conduct of the grant program established by this title.

(b) Within six months from the date of enactment of this Act, the Secretary shall publish prwposed rules and regulations in the Federal Register for the purpose of receiving comments from interested parties.

(c) Within ten months from the date of enactment of this Act, the Secretary shall promulgate rules and regulations for the conduct of the grant program established by this title.

(d) Funds to carry out the purposes of this section may be drawn from general administrative appropriations to the Secretary made after the date of enactment of this Act.

TITLE II--NAVAJO COMMUNITY COLLEGE

SHORT TITLE

Sec.201. This title may be cited as the "Navajo Community College Assistance Act of 1978".

CONGRESSIONAL FINDINGS

Sec.202. The Congress after careful study and deliberation finds that--

(1) the Navajo Tribe constitutes the largest American Indian tribe in the United States;

(2) the Navajo Tribe has, through its duly constituted tribal council and representatives, established a community college within the boundaries of the reservation;

(3) the population of the Navajo Tribe and the best area of the Navajo reservation requires that the Navajo Community College expand to better serve the needs of such population; and

(4) the Congress has already recognized the need for this institution by the passage of the Navajo Community College Act.

AMENDMENT

Sec.203(a) The Navajo Community College Act (25 U.S.C. 640c) is amended by striking out section 4 and inserting in lieu thereof the following:

"STUDY OF FACILITIES NEEDS

Sec.4(a) The Secretary shall conduct a detailed survey and study of the academic facilities needs of the Navajo Community College, and shall report to the Congress not later than August 1, 1979, the results of such survey and study. Such report shall include any recommendations or views submitted by the governing body of such College and by the governing body of the Navajo tribe, and shall include detailed recommendations by the Secretary as to the number, type, and cost of academic facilities which are required, ranking each such required facility by relative need.

"(b) Funds to carry out the purposes of this section may be drawn from general administrative appropriations to the Secretary made after the date of enactment of the Tribally Controlled Community College Assistance Act of 1978.

"AUTHORIZATION OF APPROPRIATIONS

Sec.5(a)(1) For the purpose of making construction grants under this Act, there are hereby authorized to be appropriated such sums as may be necessary for the fiscal year beginning October 1, 1979, and for the two succeeding fiscal years.

"(2) Sums appropriated pursuant to this subsection for construction shall, unless otherwise provided in appropriations Acts, remain available until expended.

"(b)(1) There is further authorized to be appropriated for grants to the Navajo Community College, for any fiscal year beginning on or after October 1, 1979, for operation and maintenance of the college, an amount equal to $4,000 for each full-time equivalent Indian student (determined in accordance with section 2(7) of the Tribally Controlled Community College Assistance Act of 1978) which the Secretary of the Interior estimates will be in attendance at such college during such year.

"(2) No grant under this subsection shall exceed--

"(A) $4,000 for each such full-time equivalent Indian student in actual attendance at such college; or

"(B) the total annual cost of the education program provided by such college,

whichever is less.

"(3) The Secretary shall make payments, pursuant to grants under this subsection, in advance installments of not less than 40 per centum of the funds available for allotment, based on anticipated or actual numbers of full-time equivalent Indian students or such other factors as determined by the Secretary. Adjustments for overpayments and underpayments shall be applied to the remainder of such funds and such remainder shall be delivered no later than July 1 of each year.

"(c) The Secretary of the Interior is authorized and directed to establish by rule procedures to insure that all funds appropriated under this Act are properly identified for grants to the Navajo Community College and that such funds are not commingled with appropriations historically expended by the Bureau of Indian Affairs for programs and projects normally provided on the Navajo Reservation for Navajo beneficiaries".

(b) Nothing in this title or in the amendment made by this title shall be deemed to authorize appropriations for the fiscal year beginning October 1, 1978.

Approved October 17, 1978.

Appendix E

TRIBALLY CONTROLLED COMMUNITY COLLEGES

Blackfeet Community College
Carol C. Juneau
PO Box 819
Browning, MT 59417
Telephone: 406/338-5411
Candidate for Accreditation Status with Northwest Association of Schools and Colleges

Cheyenne River Community College
Jack Lane, Title III Coordinator
PO Box 707
Eagle Butte, SD 57625
Telephone: 605/964-8635
Affiliated with Northern State University, Aberdeen, SD

Dull Knife Memorial College
Ted Rowland, Director
PO Box 206
Lame Deer, MT 59043
Telephone: 406/477-6210
Candidate for Accreditation Status with Northwest Association of Schools and Colleges

Fort Berthold College Center
Phyllis Howard, Director
PO Box 490
New Town, ND 58763
Telephone: 701/627-4738
Affiliated with Mary College, Bismarck, ND

Hehaka Sapa College at D-Q University
Steve Baldy, President
PO Box 409
Davis, CA 95616
Telephone: 916/758-0470
Accredited by Western Association of Schools and Colleges

Inupiat University of the Arctic
Ross Dixon, President
PO Box 429
Barrow, Alaska 99723
Telephone: 907/852-6671
Candidate for Accreditation Status with Northwest Association of Schools and Colleges

Little Big Horn College
Avis Three Irons
Director of Administration
PO Box 370
Crow Agency, MT 59022
Telephone: 406/638-2228
Affiliated with Miles Community College; Billings, MT

Little Hoop Community College
Claude Burrows, Acting President
PO Box 147
Fort Totten, ND 58335
Telephone: 701/766-4415
Affiliated with Lake Region Junior College; Devil's Lake, ND

Navajo Community College
Dean Jackson, President
Tsaile Rural Post Office
Tsaile, AZ 86556
Telephone: 602/724-3311
Accredited by North Central Association of Schools and Colleges

Nebraska Indian Community College
Virgil Free, Director
PO Box 752
Winnebago, Nebraska 68071
Telephone: 402/878-2414
Affiliated with Northeast Technical Community College; Norfolk and Winnebago, Nebraska

Oglala Sioux Community College
Elgin Badwound, President
PO Box 439
Pine Ridge, SD 57770
Telephone: 605/455-2323
Candidate for Accreditation Status with North Central Association of Schools and Colleges

Salish Kootenai Community College
Joe McDonald, President
PO Box 1020
Ronan, MT 59864
Telephone: 406/676-4650
Affiliated with Flathead Valley Community College; Kalispell, MT

Sinte Gleska College
Lionel Bordeaux, President
Rosebud Sioux Reservation
Rosebud, SD 57570
Telephone: 605/747-2263
Candidate for Accreditation
Status with North Central
Association of Schools and
Colleges

Sisseton-Wahpeton College Center
Gyla Robertson, Acting Director
PO Box 262
Sisseton, SD 57262
Telephone: 605/698-3911
Affiliated with University of
Minnesota-Morris; Morris, Minnesota

Standing Rock Community College
James Shanley, President
PO Box 450
Fort Yates, ND 58538
Telephone: 701/854-3861
Candidate for Accreditation Status
with North Central Association of
Schools and Colleges

Turtle Mountain Community College
Gerald Monette, President
PO Box 340
Belcourt, ND 58316
Telephone: 701/477-5691
Candidate for Accreditation Status
with North Central Association of
Schools and Colleges

Appendix F

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Joseph C. Durpis (Cheyenne River Sioux) is the Executive Director of the Coalition of Indian Controlled School Boards, Inc. Mr. Dupris has accumulated a wealth of experience working first-hand with Indian communities as an educator and consultant.

Prior to working with C.I.C.S.B., Mr. Dupris was the Director for the Washington Education Association (1975); Professor, University of South Dakota, School of Education with adjunct status as Co-director of the Center Satellite Program, a U.S.O.E. three-year project grant to train Native Americans as counselors and systems change agents. At the same time he held the additional assignment of Assistant Director of Educational Research and Service Center in charge of Indian-related programs and services which extended the span of contract concerning Indian programs from the university level of local tribal units and to the federal and state agency levels (1972). He has also been a counselor for Native American Indian children and communities, including the Spokane and Colville Indian Reservations, and has taught at the secondary level for four years.

Mr. Dupris holds a master's degree in education from Eastern Washington State College, a B.A. with a major in political science and a minor in economics from the University of Washington. He retains a Standard Teaching Certificate and holds an A.A. from Skagit Valley College.

His heart and goals are in working to further and improve education for all Indian children.

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